

TITLE 8
APPEALS

RULE 8.0010
RECORD ON APPEAL

RULE 8.0015
APPOINTMENT OF COUNSEL

RULE 8.0020
COST OF TRANSCRIPTS

RULE 8.0025
DISMISSAL

RULE 8.0030
EXTENSION OR SHORTENING OF TIME; RELIEF FROM DEFAULT

RULE 8.0035
APPEAL PROCESSING SCHEDULE

RULE 8.0040
APPEAL -- SMALL CLAIMS

**TITLE 8
APPEALS**

**RULE 8.0010
RECORD ON APPEAL**

- A. The record of oral proceedings may be submitted by a) settled statement or b) electronic record or transcript therefrom. If appellant proceeds by way of reporter's transcript, the appellant shall be responsible for transcript preparation unless appellant proceeds by Rule 8.0020. Respondent shall be responsible to make private arrangements with court reporter(s) to obtain copies if appellant does not proceed by Rule 8.0020.
- B. If appellant proceeds by way of electronic record, a transcript shall be provided therefrom within 20 days of the notice to prepare transcript.

If appellant elects to proceed by settled statement, Respondent may choose to proceed by transcript. In this event, Respondent shall be responsible for transcript preparation.

(Adopted 1-1-86; Amended 10-21-89, effective 1-1-90; amended 4-16-94, eff. 7-1-94; amend. 4-25-98, eff. 7-1-98)

**RULE 8.0015
APPOINTMENT OF COUNSEL**

- A. Continuation. In every criminal case where a defendant in a lower court has assigned counsel, and such defendant files an appeal, the assigned counsel is hereby appointed to continue on as counsel for the purpose of perfecting and arguing the appeal.
- B. Financial Statement. Assigned counsel is directed to prepare a financial statement of the defendant under penalty of perjury for submission to the Court upon hearing on appeal. The Court may further require testimony under oath of the defendant at that time. Defendant must appear at the hearing on appeal for the purpose of establishing his ability to pay for assigned counsel pursuant to Penal Code 987.2; assigned counsel is directed to inform the defendant of the necessity of his appearance.
- C. Attorney Fees. After the decision on appeal has become final, assigned counsel may submit an application for attorneys fees for services rendered in the appeal

proceeding to the Presiding Judge who shall consider the application and may award reasonable attorneys fees pursuant to Penal Code Section 987.2

(Adopted 1-1-86)

RULE 8.0020
COST OF TRANSCRIPTS

- A. In criminal cases in which the defendant appeals any court order or judgment, and requests a transcript at public expense, the court may conduct a hearing to determine the defendant's financial ability to pay all, or part of, the transcript expense.
- B. The defendant's request for the preparation of a transcript at public expense shall be in writing. Upon receipt of such a request, the court will review and, if necessary, set a date and time for the hearing and notify the party requesting the transcript. Failure to appear at the hearing will constitute abandonment of proceedings pertaining to the provision of a transcript at public expense.

(Adopted 1-1-84; Amended 4-16-94, eff. 7-1-94)

RULE 8.0025
DISMISSAL

- A. Failure to Perform. If and when the appellant fails to perform any act necessary to perfect the appeal according to California Rules of Court, the trial Court shall mail a notice to the appellant informing the appellant that the appeal will be dismissed unless an application pursuant to Rule 8.0030 is filed with the Appellate Department of the Superior Court within fifteen (15) days of the date of mailing.
- B. Transmittal. A certified copy of the notice accompanied by a certified copy of the notice of appeal, the fee for filing of an appeal in a civil matter, and a certified copy of the docket shall be transmitted to the Appellate Department of the Superior Court forthwith upon mailing the aforesaid notice to the appellant.

(Adopted 1-1-86; Amend 4-25-98, eff. 7-1-98)

RULE 8.0030

EXTENSION OR SHORTENING OF TIME; RELIEF FROM DEFAULT

Applications for an extension or shortening of time (Rules 138 or 186, California Rules of Court) or for relief from default (Rules 143 or 186) shall comply with Rule 137 and shall be deposited with the Clerk for presentation to the Presiding Judge. Failure to fully comply with Rule 137 shall be cause for the Clerk of the Appellate Department of the Superior Court for presentation to the Presiding Judge. Applicant shall prepare and provide proposed order for Presiding Judge. Failure to fully comply with Rule 137 shall be cause for the Clerk to refuse the deposit of said application.

(Adopted 1-1-86; Amend. 4-25-98, eff. 7-1-98)

RULE 8.0035

APPEAL PROCESSING SCHEDULE

Schedule 8.0035 is for the initiation and prosecution of an appeal to the Appellate Department of the Superior Court. Compliance therewith shall be strictly enforced.

(Adopted 1-1-86)

SCHEDULE 8.0035

Parenthesized figures refer to California Rules of Court

TYPE OF ACTION	CIVIL	CRIMINAL
1. Notice of Appeal-- Filing of (NO extensions)	30 days (122)	30 days (182)
2. Notice to Prepare Reporter's Transcript	10 days after filing of appeal (124)	
3. Deposit of Costs for Reporter's Transcript	10 days after notification (124)	
4. Filing of Reporter's Transcript	20 days after receipt of fees (124)	15 days after filing proposed statement (184)

5. Notice Designating Record on Appeal	10 days after filing notice of of appeal (125)	
6. Preparation of Clerk's Transcript	10 days after payment of costs (125)	
7. Agreed Statement-- Preliminary Stipulation	10 days after filing notice of appeal (126)	
Original Statement	30 days after filing notice of appeal (126)	
8. Settled Statement-- Notice of	10 days after filing notice of appeal (127)	
Condensed/Proposed Statement	20 days after notice of settled statement (127)	15 days after filing notice of appeal (184)
9. Settlement of Statement	10 days after proposed amend- ments (127)	As fixed by the trial judge (187)
10. Request for Correc- tion of Transcripts/ Amendments to State- ment	10 days after clerk's notice of completion (128)	15 days after service or notice (185)
11. Hearing Re: Request for Correction	10 days after receipt of request (128)	As fixed by the trial judge (187)
12. Transmission of Appeal to Appellate	Upon completion (130)	Upon settlement of statement or right thereto has expired (183)

13. Payment of Filing Fee	With notice of Appeal or within 10 days after notice (121)	
14. Appellant's Opening Brief with required Proofs of Service	20 days after Notice of Hearing (105)	20 days after Notice of Hearing (105)
15. Respondent's Brief with required Proofs of Service	20 days after filing of Opening Brief (105)	20 days after filing of Opening Brief (105)
16. Appellant's Reply Brief	Per Rule 105	Per Rule 105
17. Remittitur	25 days after filing Decision on Appeal (107&68)	25 days after filing Decision on Appeal (107&68)

RULE 8.0040
APPEAL -- SMALL CLAIMS

- A. Docket Entries. In small claims actions where there are multiple parties it is requested that the courts insure that the docket entries and other records include the specifics as to which plaintiffs prevailed against which defendants and whether any liability found to exist is several or joint and several.
- B. Multiple Defendants. In cases involving multiple defendants in which there is an appeal by less than all defendants, the only original documents which should be transmitted to the Clerk of the Court should be the notice of appeal and the notice of entry of judgment; other documents required pursuant to Rule 153 are to be certified copies.
- C. Notice of Appeal. A notice of appeal should be filed by each appealing defendant or in the alternative, each defendant who appeals should sign the notice of appeal.
- D. Extraneous Documents. Extraneous correspondence and other documents which are neither admitted into evidence nor marked for identification should not be transmitted to this court.

(Adopted 1-1-86)